


[Home](#) [Courts](#) [Court Dockets](#) [Legal Research](#) [Calendar](#) [Help](#)
[Previous Section](#) [Top Of Index](#) [This Point in Index](#) [Citationize](#) [Next Section](#) [Print Only](#)

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 1 - Oklahoma Public Health Code

Article Article 19A - Home Care Act

Section 1-1972 - Regulation of Agencies Providing Companion and Sitter Services - Investigations - Penalties

Cite as: O.S. §. __ __

A. As used in this section:

1. "Companion" or "sitter" means assistance with household tasks, shopping, meal preparation or planning, and provision of fellowship and other nonpersonal care for the individual including transportation, letter writing, socialization, and is intended to enable the individual to remain safely and comfortably in their place of residence in exchange for consideration; and

2. "Agency" means any partnership, firm, corporation, association, limited liability company, and any other legal entity authorized to do business in Oklahoma.

B. The **State Board of Health**, with the advice and consent of the Home Health Advisory Board, is authorized to promulgate rules in accordance with the Home Care Act to cover agencies providing companion and sitter services that at a minimum require:

1. An individual to be designated by the legal entity to provide supervision of the companion or sitter services;

2. Criminal background checks;

3. Workers' compensation coverage;

4. A nonrefundable application fee of One Thousand Dollars (\$1,000.00) for an initial license;

5. A nonrefundable renewal application fee of Five Hundred (\$500.00);

6. Liability insurance in amounts determined by the Department; and

7. A system of record keeping that shall include:

a. the name, address, and services provided for all clients,

b. duties performed for each day of service,

c. criminal background checks of companions or sitters which shall meet the criteria established for certified nurse aides as provided for in Section 1-1950.1 of this title, and

d. any other related information.

C. The **State Department of Health** shall investigate complaints of noncompliance with the requirements provided in subsection B of this section concerning agencies that provide companion or sitter services in this state. Any agency, employer, employee, or designated agent thereof that provides, offers, or advertises companion or sitter services shall become licensed with the **State Department of Health** pursuant to the Home Care Act.

D. Any agency that:

1. Is represented by the title "home care agency", without having first complied with the provisions of the Home Care Act;

2. Otherwise offers to perform personal care or home care services, as defined in Section 1-1961 of this title;

3. Uses any other name, style, or description denoting that the agency is licensed to provide personal care or home care services; or

4. Is in violation of subsection C of this section,

upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each offense, by imprisonment for a term not to exceed six (6) months in the county jail, or by both fine and imprisonment.

E. It shall be unlawful for any agency not licensed in accordance with the Home Care Act to advertise or otherwise offer personal care, companion or sitter services, home care services, to use the title "home care agency", "home health agency", or "senior care agency", or to provide personal care, companion or sitter services, or home care services. Such action shall be subject to equitable relief in accordance with Section 1-1967 of this title.

F. The provisions of this section shall not apply to those persons exempted under subsection C of Section 1-1962 of this title and any individual not employed by an agency.

G. The **State Board of Health** shall promulgate rules necessary for the investigation and hearing of complaints regarding a companion or sitter service. The rules shall include provisions for a review process to be presided over by a mediator or arbitrator, acceptable to all parties, and who is not an employee of the **State Department of Health**.

H. An entity that holds a valid license as a home care agency under the Home Care Act and meets the requirements of this section may provide companion or sitter services in addition to home care services under an existing license.

Historical Data

Laws 2007, HB 1580, c. 255, § 1, eff. November 1, 2007; Amended by Laws 2008, HB 2641, c. 21, § 1, emerg. eff. April 18, 2008 ([superseded document available](#)).

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